

short period. However, NABER understands that dual mode radios (25/30 kHz and 12.5 kHz operations) can be produced by equipment manufacturers. Such radios can serve as add-on units for existing systems, and provide narrowband operation immediately for new systems. In the 450 MHz band, as of January 1, 1996, new systems would be licensed for a 12.5 kHz channel bandwidth.

In order to "clean-up" the subject bands, applicants for new systems could request no more than 12.5 kHz channel bandwidth, unless the applicant can obtain concurrence from incumbent licensees on the adjacent channels to operate on the larger bandwidth. Renewals for current systems on 450 MHz primary channels would have their licenses conditioned upon a reduction in channel bandwidth to no more than 12.5 kHz no later than January

the use of one technology equipment in one area and another technology equipment on the same channel in an adjacent area.

Offset users in the 450 MHz band, when applying for license renewal (or for a new system), would now specify whether they desire to be a site specific system, or whether they wish to continue non-site specific status. As discussed below, this information is important because in Step 2, such users will be divided onto different frequencies, with like users grouped together based upon the status selected. Renewal licenses would be conditioned upon a reduction in channel bandwidth to no more than 12.5 kHz no later than January 1, 2004, as discussed above.

Applicants "cleaning up" a channel utilized for two-way land mobile communications, through a combining of current users, etc., could request exclusive authorization, based upon the agreed efficiency standard developed by TIA. For example, applicants "cleaning up" several channels could immediately request to operate on more spectrum efficient technologies, such as centralized or decentralized trunking. In the 150 MHz band, where frequencies are typically not paired, and applicant could "clean" up two or more frequencies and utilize these "frequency pairs" in a trunked mode. Further, applicants for paging operations may "clean-up" a channel through combining of current users, to increase spectrum efficient use of one or more frequencies.

The immediate impact of Step One - users could: (1) immediately go to narrowband or digital technology; (2) achieve exclusive use of a channel; and/or (3) utilize centralized trunking. The long term impact of Step One is that offset users achieve primary status in 2004 and the RF spectrum is significantly "cleaned up" by site designation. resulting in additional

accommodate the justified bandwidth requested by the user. The user would then be granted 90 days to complete the migration to the new channel.

The result would be that the users requiring smaller bandwidths would be grouped together at the lower end of the service pool band. This in turn would "create" wider available bandwidths at the middle and upper ends of the service pool. These wider bandwidths would become available to new users requesting wider bandwidths as well as existing users with growing bandwidth needs. If wider bandwidth channels are not readily available.

any usage patterns which were not taken into account during this proceeding.

6. NABER's "Like Services" Consolidation

The reduction to the four proposed services does not address the needs of the end user. Specifically, where there are shared channels, there is a need to ensure compatibility among users. As stated by Congress, representative frequency advisory committees are best able to provide such coordination services. However, maintaining 19 services is burdensome and results in inefficient, time consuming and more costly assignments of licenses to users.

The most beneficial system is to consolidate "like" users either by operations or by the underlying business use of the applicant/licensee. The following consolidation of pools⁹ is proposed:

- i. Public Safety: Local Government, Police, Fire, Highway Maintenance, Forestry Conservation, Emergency Medical
- ii. Industrial I: Forest Products, Motion Picture, Special Industrial, Telephone Maintenance, Relay Press
- iii. Industrial II: Utilities, Petroleum, Manufacturers

⁹ The suggested consolidations of service pools are based on which current radio services share the majority of channels under the existing rules. NABER recognizes, from comments received from other frequency coordinating committees and NABER members, that, in the Industrial Service Pools, there is a divergence on which radio services should be consolidated as being "like" services. NABER recommends that the Commission consider the comments received in regard to the suggested consolidation and take appropriate action based on the such comments.

iv. Business: including Private Carrier Paging, Two-Way Private Carriers, Special Emergency, Taxicabs, Auto Emergency

v. Land Transportation: Railroads, Motor Carrier

The new Pools represent a consolidation of service pools currently sharing 150 MHz and/or 450 MHz spectrum. Where a portion of spectrum is currently shared among users from several pools, this indicates a workable combination of like users. To require such users to coordinate from numerous coordinating committees for access to a single frequency pair results in multiple coordination fees, delay in the granting of licenses, a database which is not up-to-date (and therefore inaccurate, leading to faulty recommendations) and needless squabbles between competing applicants and coordinating committees.

7. NABER's "Pools For Power"

NABER opposes the Commission's proposal to greatly reduce the permitted output power of stations and to reassign channels every 50 miles. The Commission's plan imposes a burden on the user to re-engineer its systems with the potential of increasing the cost of operation of a private system because of the need for a multi-site system.

The Commission's plan forces users with a need for wide-area operations to utilize a private carrier because it is likely that only private carriers are willing to invest the capital to create these multi-site systems. The power reduction proposed appears to contradict the Commission's stated goal of ensuring that the right to operate as a private system is retained. With the potential

increased cost to establish or re-engineer a system with multiple sites, the right to operate a private system is available but exercising the right may be beyond the economical reach of most smaller users. Also, this proposal does not take into account that additional tower structures may be required to be constructed to cover the current area of operations of many systems. It may be very difficult for users to obtain federal, state, and local approval for new sites to build the additional tower sites.

NABER's recommendation is to establish three different power level categories within each service pool.¹⁰ Specifically, there should be a certain number of channels set aside for: (1) high power systems with operational parameters similar to today's environment; (2) low power, site specific systems with a need for on-site use at permanent locations; and (3) low power, non-site specific systems with a need for on-site use at non-permanent locations. These "pools for power" should provide the flexibility to "engineer-in" a number of systems operating on low power, site

channel stations of unusable spectrum which sometimes exists in the 800/900 MHz bands will be minimized. This will also minimize interference between co-channel systems. Further, NABER supports the proposed power limitations (based upon service area) proposed by LMCC in its Consensus Plan.

As explained above, users will have an incentive to use the lowest power possible, since a smaller service area will enable the user to more easily achieve channel exclusivity. Therefore, the problem in the past of overpowered systems will be eliminated.

8. Elimination of Community Repeaters

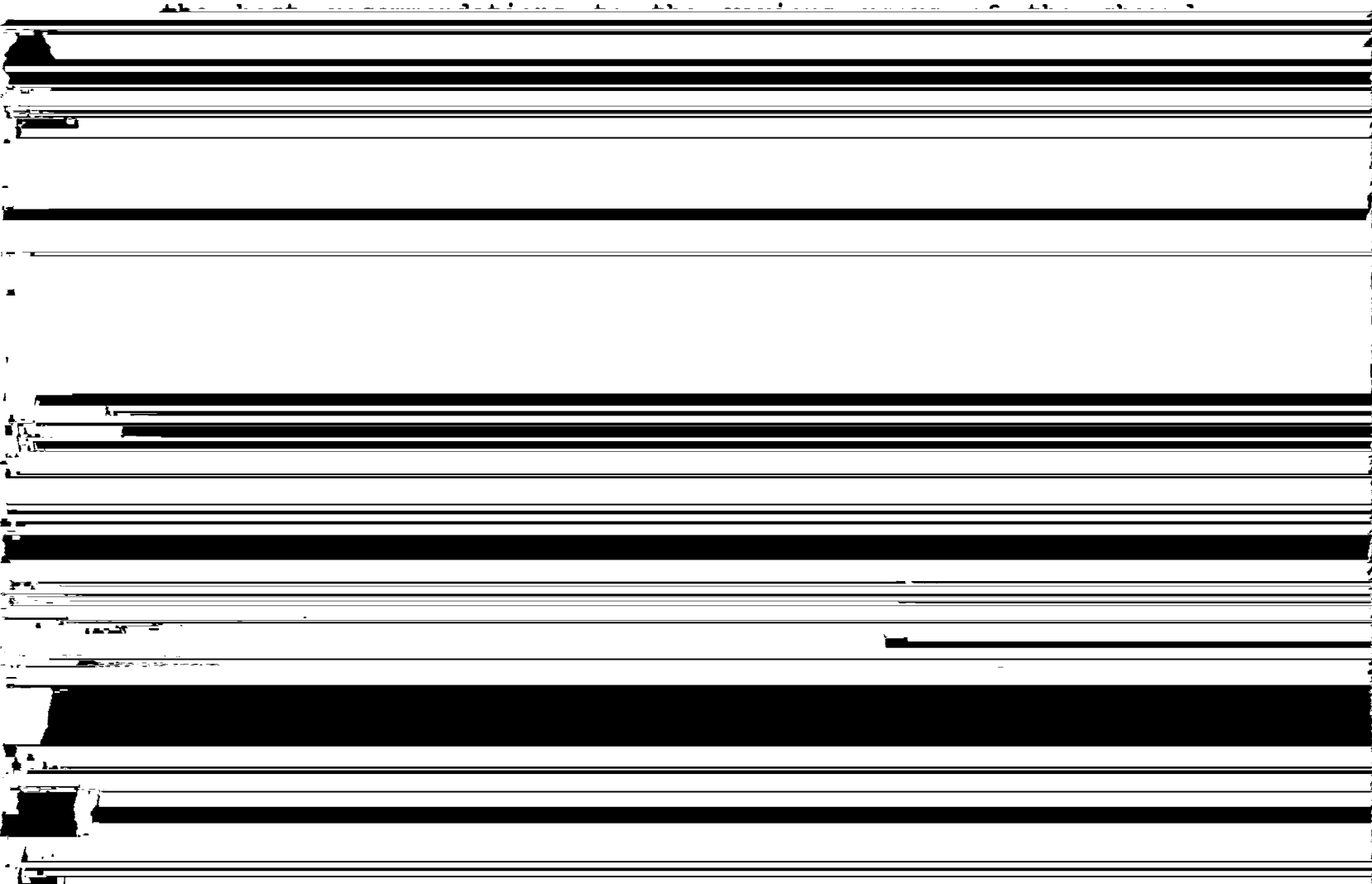
NABER supports the elimination of multiple-licensed community repeaters (including multiple-licensed non-profit cooperative

9. Innovative Shared Use Proposal ("ISU")

NABER opposes the ISU proposal, as it needlessly robs the 150 MHz band of contiguous spectrum. This allocation also requires that the private system user relinquish a significant portion of the capacity achieved by the proposed channel splitting.

C. COORDINATION ISSUES

As set forth above, NABER recommends that the Commission consolidate the current PLMRS pools to a more manageable number of five service pools. The consolidation of the pools was made based on the manner in which the current frequencies are shared today between the various radio services. These consolidations reflect, for the most part, a similar pool of frequency coordinators which have established a working relationship among themselves to provide



sophisticated operating procedures, including computerizing a portion of the coordination processing. Many of the existing frequency committees may not have the ability to provide these

received the applications, thereby delaying application processing for the applicants who "lost" in the filing race and resulting in needless adversarial proceedings to resolve disputes between applicants and licensees. However, there should be nothing in the Commission's rules to prevent multiple coordinators from implementing such a "real time" data base to facilitate coordination of the consolidated service pool.

On the other hand, there is concern that users who are currently represented by a frequency coordinator committee may find

messaging technologies appear to require wider channel bandwidths,

perhaps 50-100 kHz bandwidths, rather than narrower bandwidths.

in accordance with the channelization plan described above. The paging channels in the 421-430 MHz band should also be grandfathered and be retained as 25 kHz bandwidth channels subject to existing height power limits.

3. Issues on Specific Proposed Rule Sections

Proposed Section 88.103 appears to impose a thirty (30) day resubmittal for returned applications below 800 MHz, except for applications in the 220-222 MHz band, while retaining the existing sixty (60) day resubmittal period for applications in the 220-222

re-impose this dual standard for applications in the various private land mobile radio bands.

4. Pending Rule Making Proceedings WIPAC notes that the

Further, in subparagraph (c) of this section, the Commission proposes to limit communications of licensees without channel exclusivity to business and safety of life or property purposes. NABER believes that this subsection may change the eligibility of persons to which a conventional SMR systems may provide service. Currently, an SMR licensee, whether operating in a trunked or conventional mode, may provide service to individuals for non-business purposes. The restrictions of the aforesaid proposed subparagraph appears to foreclose the provision of service to an individual by a conventional SMR licensee, who has not achieved exclusivity on his/her channel, should the Commission adopt this rule. Therefore, NABER urges the Commission to revise this subparagraph to exclude SMR licensees.

6. Revisions to 800/900 MHz Service Pools. The Commission proposed to re-structure the 800/900 MHz Service Pools in light of its proposal to adopt three service pools and a General Category pool. In the Commission's proposal, channels currently allocated to the Industrial/Land Transportation Service pools would be designated as Non-Commercial Service pools and the channels allocated to the Business Service pool would be designated as "General Category." NABER opposes the reclassification of these pools, especially as the eligibility for licensing of these channels would change. As the Commission indicated, the re-write of Part 90 does not substantively affect the frequencies above 800 MHz. The change in service pool designations would be a significant substantive change in the licensing of 800/900 MHz

frequencies. Accordingly, NABER urges the Commission to refrain from adopting its proposal in regard to redesignation of the service pools for 800/900 MHz channels.

7. Proposal for "Vertical Coordination". The Commission proposed a new goal under its proposed rules for "refarming" below 800 MHz in connection with the coordination of frequencies. The

WHEREFORE, the National Association of Business and Educational Radio, Inc. ("NABER") respectfully requests that the Federal Communications Commission take action in this proceeding in a manner consistent with the proposals set forth herein.

Respectfully submitted,

NATIONAL ASSOCIATION OF BUSINESS
AND EDUCATIONAL RADIO, INC.